

House Republican Press Release

February 15, 2006
Press Office: 860-240-8700

Testimony of Rep. Robert M. Ward House Republican Leader Joint Planning and Development Committee



Thank you to both the chairs of the committee and members. I appreciate the chance to come before you, again, on an issue that continues to be of great importance to both the legislature and people of the state of Connecticut.

In the eight months since the U.S. Supreme Court ruling in Kelo little has been resolved for either side in the lingering dispute over individual property rights and government's legitimate use of eminent domain. The 5-4 ruling did not end the debate over how to balance these two concerns.

A number of states have acted to curb government's ability to seize private property for private development as I and others have proposed. The ruling sparked debate throughout Connecticut and some towns and cities are either considering stricter controls on government or actually adopted ordinances. Congress, along completely non-partisan lines overwhelmingly condemned the decision as blatantly unfair to individual property owners.

Despite the national headlines and simmering discourse, Connecticut, where the whole controversy started, has failed to respond in a cohesive manner. As elected officials we have failed to lead. As lawmakers we have shirked our responsibilities to constituents who look to us to protect their basic rights.

I have proposed legislation that would prevent taking private property and turning it over to a private developer who would then make a healthy profit. I believe creating the office of an eminent domain ombudsman would ensure a more orderly and fair process for both property owners and government during a taking procedure.

I believe individuals should be fairly compensated when their property is taken for a legitimate public use such as a school, road or a water treatment facility. It strikes me that the average person inherently understands that the use of eminent domain for those takings makes sense and is proper. Otherwise, we wouldn't be able to build another school or extend a highway where needed any place in the country.

We must re-write our “blight” statutes when it comes to eminent domain so that we have a clear definition of what constitutes a public safety or health hazard.

I have been told that we must tread carefully in this arena of public policy because it is a very complicated issue and if we go too far we will constrict municipal economic development and abandon our urban cores. But abdicating our responsibilities to all property owners and taxpayers is unacceptable.

The marketplace is the final arbiter of successful economic development and the markets area already reacting to the mess that has been created in New London. In the last two weeks two major financial institutions in the country have spoken up and we better listen.

One of the 10 largest banks in the country, BB&T Corp. based in North Carolina with an estimated \$109 billion in assets has said it will not finance any economic development projects such as Fort Trumbull that use eminent domain to seize private property for private development.

John Allison, the bank’s chairman and chief executive had it right when he said: “The idea that a citizen's property can be taken by the government solely for private use is extremely misguided, in fact it's just plain wrong.”

Last week in a press release issued by Montgomery Bank in Missouri, Chief Operating Officer Troy Wilson said, “The sanctity of private property ownership is one of the hallmarks of our individual rights as private citizens. Eminent domain should only be used for public projects, not to benefit private developers.”

I believe there is significant support for re-writing these laws, both within the legislature and in the public domain. Every opinion poll I’ve seen clearly indicates overwhelming support for reforming these laws.

We don’t need public opinion polls to guide our actions. They simply confirm what I believe most of know is the reasonable and right course to plot. We don’t need more rhetoric or further yellow caution flags to go slow.

If the legislature again fails to act in significant ways it will provide the definitive explanation for the longtime homeowners of Fort Trumbull: A wealthy developers’ view of Long Island Sound is more valuable than theirs. It will signal to the rest of the people of Connecticut that they could be next.

Thank you for your time.